



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA

Street Closing Report



Meeting Date: October 7, 2013

Reference Name	Street Closing – 128 linear feet of Holland Street (SC1300001)	Jurisdiction	City
Request	To conduct a public hearing to consider the permanent closing of 128 linear feet of Holland Street.		
Applicant	Riley Surveying, PA	Submittal Date	April 10, 2013
Location	North of East Chapel Hill Street, east of Foster Street, west of Rigsbee Avenue, and south of East Morgan Street		
Recommendation	Approve permanent closing of the public right-of-way with conditions.		

A. Summary

This is a request to permanently close a 128 linear foot segment of Holland Street (Attachments 1 & 2). The right-of-way proposed for closure would be recombined with the adjacent properties at 309 and 315 East Chapel Hill Street (Attachment 3, Sheet 1).

The applicant desires to close this right-of-way as part of the redevelopment of the 315 East Chapel Hill Street property. Specifically, the applicant wishes to utilize half of this right-of-way as outdoor space for a planned hotel use at 315 West Chapel Hill Street. The property has an associated site plan (Case D1300202) currently under review. The most recent copy of that site plan is attached (Attachment 4). As this right-of-way is a distinct and well-traveled pedestrian passageway, Staff recommends the recording of a ten (10) foot wide public pedestrian easement, so that the public may continue to utilize this space.

B. Area Characteristics

The area surrounding the right-of-way is zoned Downtown Design-Core (DD-C), is in the Downtown Tier, and is located between Foster Street and Rigsbee Avenue.

Adjacent Land Uses and Zoning			
	Uses	Zoning Districts	Overlay Districts
North	Commercial/Parking	DD-C	Downtown Durham Historic District
South	Commercial/Office	DD-C	Downtown Durham Historic District
East	Vacant	DD-C	Downtown Durham Historic District
West	Commercial/Retail	DD-C	Downtown Durham Historic District

C. Statutory Requirements

North Carolina Statute 160A-299 requires that the Governing Body make two findings prior to closing any street or alley. These are:

- 1) Closing the street or alley is not contrary to the public interest; and
- 2) No individual owning property in the vicinity of the street or alley or in which it is located would be deprived of reasonable means of ingress or egress to that property.

D. Code Requirements

Section 13.5.1 Access, of the Unified Development Ordinance requires that every buildable lot have access to a public or private street that is designed, constructed and maintained to the appropriate standards.

E. Service Impacts

This request was submitted to service agencies for review and comment. Their comments are shown below:

Service Agency Comments		
Service Agency	Comments	How Addressed
NCDOT	No response	n/a
County - Engineering	No response	n/a
County - Fire Marshall	No impact	n/a
Durham County Sherriff	No impact	n/a
Emergency Medical Services	No impact	n/a
911	No response	n/a
Durham Public Schools	No impact	n/a
City - Transportation	No impact	n/a

Service Agency Comments		
City - Engineering	No impact	n/a
City - Fire Department	No impact	n/a
City – Parks and Recreation	No impact	n/a
City – Solid Waste	No impact	n/a
City – Inspections	No impact	n/a
City – General Services	No impact	n/a
Police Department	No response	n/a
Duke Energy	No impact	n/a
PSNC	No impact	n/a
Frontier	No impact	n/a
USPS Postmaster	No response	n/a
Tax Assessor Office	No response	n/a
Address Coordinator, GIS	No impact	n/a

F. Staff Analysis

The area adjacent to the right-of-way is zoned DD-C and is in the Downtown Tier. The proposed street closing plat (Attachment 3, Sheet 1) indicates that the requested right-of-way will be recombined with the adjacent properties to the east and west. There are no adjacent parcels to the north or south as these areas are all existing right-of-ways and will not be modified as part of this request.

The closure of this right-of-way is required to be dedicated as a pedestrian mall by UDO paragraph 13.4.2B. The standards for pedestrian malls (UDO paragraph 6.12.2E.1) include a variety of urban design requirements aimed at creating an inviting space for public use. The site plan associated with this street closing depicts many of the required urban design features and amenities, including:

- A width between opposing buildings of approximately 41 feet (UDO paragraph 6.12.2E.1.a requires a width ranging between 35 and 50 feet);
- An unobstructed clear zone for pedestrian travel of ten feet in width running for the entire length of the pedestrian mall (UDO paragraph 6.12.2E.1.b);
- A hardscaped (paved) surface from building face to building face, with approximately 13% landscaped area (UDO paragraph 6.12.2E.1.c limits the landscape area to 50% of the mall or less);
- The retention of two historic cobblestone landscape planters;
- A total of four trees (three ornamentals and one canopy tree) and several groupings of shrubs where none are required by ordinance;
- Over 22 linear feet of seating (UDO paragraph 6.12.2E.1.e requires approximately nine linear feet); and

- Bicycle parking for the proposed adjacent restaurant use.

Additional ordinance requirements to be met are:

- The provision of one waste receptacle in the pedestrian mall (UDO paragraph 6.12.2E.1.e);
- The provision of pedestrian lighting along the required clear zone ranging from 0.5 to 15 foot candles (UDO 7.4.3A, table).

Staff finds that the right-of-way requested for closure is a distinct and well utilized public space, supporting multi-modal connectivity goals in downtown. Staff believes it is in the best interest of the City, and the public at-large, to preserve and dedicate a public pedestrian easement in this right-of-way so that the public may continue to utilize and access this area. The easement should be dedicated in perpetuity as development of this land in the future cannot be permitted under current UDO requirements since it would violate the connectivity standards of UDO paragraph 13.4.2B. Maintenance of this mall, and all associated improvements, should be the responsibility of the private property owners as it would be with the development of any new pedestrian mall. The requirements for access and amenities, since they are UDO based, are subject to enforcement through the Planning Department.

G. Recommendation

Approve the permanent closing of 128 linear feet of public right-of-way with the condition that the applicant reserve and dedicate a ten (10) foot wide public pedestrian access easement within the right-of-way to be closed, and accept maintenance responsibility for the full width of the pedestrian mall.

H. Staff Contact

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I. Attachments

1. Context Map
2. Aerial Map
3. SC1300001 Street Closing and Recombination Plat Reduction
4. D1300202 Site Plan
5. Street Closing Application
6. Street Closing Order